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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,062	03/12/2004	Takahiro Inoue	36548	8439

116 7590 03/19/2007
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/800,062

Applicant(s)

INOUE ET AL.

Examiner

Quang T. Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 1-5) in the reply filed on 02/02/2007 is acknowledged. Non-elected claims 6-7 are withdrawn from consideration.

Drawings

2. Figures 9 and 10 a-b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

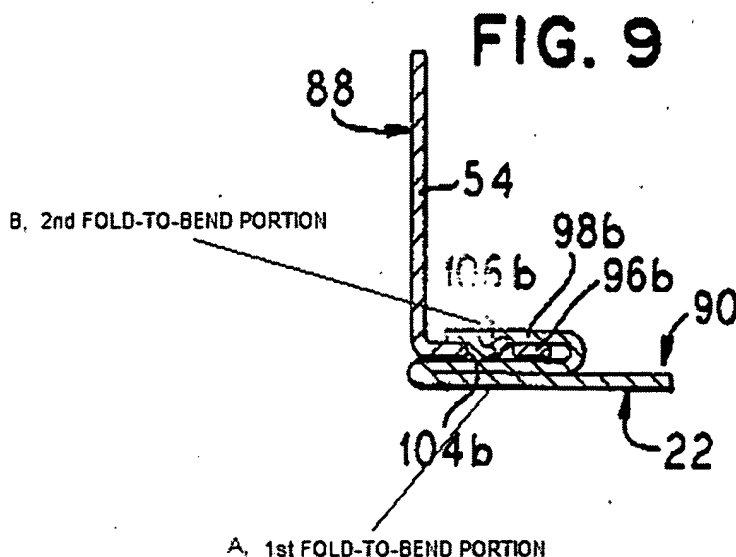
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Spencer et al (US 4,609,801).

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Spencer discloses a cavity construction for microwave oven comprising a front plate (22) having an opening portion (figure 4); and an inner main body (30, col. 4, lines 43-47) bonded to a peripheral edge (90) of the opening portion for cooking at inside of the inner main body (30); wherein at least either one of the bonding portions of the front plate (30) and the inner main body includes a first fold-to-bend portion (A, Figure below) constituted by folding to bend an end portion thereof to invert to be brought into close contact therewith, and a second fold-to-bend portion (B, Figure below) constituted by inverting a portion on a side of an end portion of the first fold-to-bend portion (A) with a predetermined clearance therebetween, and wherein other of the bonding portions of the front plate (22) and the inner main body (30) includes a flange portion (96b) inserted into the clearance between the first fold-to-bend portion (A) and the second fold-to-bend portion (B), and calked to bond (col. 5, line 58).



NOTE: With regard to claim 1, the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or

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obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). In this case, the term “calked to bond”, recited in claim 1, line 17, is considered a product-by-process; therefore, no patentable weight is given to the term.

In the alternative,

Spencer discloses a cavity construction for microwave oven comprising a front plate (22) having an opening portion (figure 4); and an inner main body (30, col. 4, lines 43-47) bonded to a peripheral edge (90) of the opening portion for cooking at inside of the inner main body (30); wherein at least either one of the bonding portions of the front plate (30) and the inner main body includes a first fold-to-bend portion (A, Figure below) constituted by folding to bend an end portion thereof to invert to be brought into close contact therewith, and a second fold-to-bend portion (B, Figure below) constituted by inverting a portion on a side of an end portion of the first fold-to-bend portion (A) with a predetermined clearance therebetween, and wherein other of the bonding portions of the front plate (22) and the inner main body (30) includes a flange portion (96b) inserted into the clearance between the first fold-to-bend portion (A) and the second fold-to-bend portion (B). However, Spencer does not disclose calked to bonded. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute welding bond by calked bond. Doing so would easy perform bonding the product with less time.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al (US 4,609,801) in view of Enami (US 4,563,559). Spencer discloses substantially all features of the claimed invention except insulating films are formed on a surface of the front plate on a side opposed to a side of being connected with the inner main body and an outer side surface of the inner main body. Enami discloses an inner box (4) for a cooking appliance having insulating films are formed on a surface of the front plate (5) on a side opposed to a side of being connected with the inner main body and an outer side surface of the inner main body (col. 1, lines 40-68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Spencer insulating films are formed on a surface of the front plate on a side opposed to a side of being connected with the inner main body and an outer side surface of the inner main body as taught by Enami in order to improve visible appearance.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

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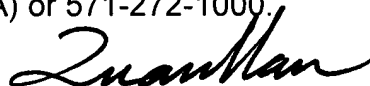
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QV

QV

March 15, 2007



Quang T Van
Primary Examiner
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